

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 795

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAGER.

Offered April 23, 2014.

Senate Substitute adopted, April 23, 2014.

Taken up for Perfection April 23, 2014. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

5702S.02P

AN ACT

To repeal section 161.216, RSMo, and to enact in lieu thereof one new section relating to early childhood education.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 161.216, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 161.216, to read as follows:

161.216. 1. No public institution of higher education, political
2 subdivision, governmental entity, or quasi-governmental entity [receiving state
3 funds] **created by Missouri state statute** shall operate, establish, or maintain,
4 offer incentives to participate in, or mandate participation in a quality rating
5 system for early childhood education, a training quality assurance system, any
6 successor system, or any substantially similar system for early childhood
7 education, unless the authority to operate, establish, or maintain such a system
8 is enacted into law through:

- 9 (1) A bill as prescribed by article III of the Missouri Constitution;
10 (2) An initiative petition as prescribed by section 50 of article III of the
11 Missouri Constitution; or
12 (3) A referendum as prescribed by section 52(a) of article III of the
13 Missouri Constitution.

14 2. No public institution of higher education, political subdivision,
15 governmental entity or quasi-governmental entity [receiving state funds] **created**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 **by Missouri state statute** shall promulgate any rule or establish any program,
17 policy, guideline, or plan or change any rule, program, policy, guideline, or plan
18 to operate, establish, or maintain a quality rating system for early childhood
19 education, a training quality assurance system, any successor system, or any
20 substantially similar system for early childhood education unless such public
21 institution of higher education, political subdivision, governmental entity or
22 quasi-governmental entity [receiving state funds] **created by Missouri state**
23 **statute** has received statutory authority to do so in a manner consistent with
24 subsection 1 of this section.

25 **3. Notwithstanding any provision of this section to the contrary,**
26 **a private entity or nonprofit corporation organized under the**
27 **provisions of chapter 355 may operate, establish, and maintain a**
28 **quality rating system for early childhood education. A private entity**
29 **or nonprofit corporation shall not be required to obtain authority to**
30 **operate, establish, or maintain such a quality rating system through**
31 **enactment into law. Early childhood education programs operated by**
32 **public entities or private entities may participate in a quality rating**
33 **system for early childhood education that is operated, established, or**
34 **maintained by a private entity or nonprofit corporation.**

35 **4. Neither the department of elementary and secondary**
36 **education, state board of education, any public institution of higher**
37 **education, any political subdivision, any governmental entity, or any**
38 **quasi-governmental entity created by Missouri state statute shall**
39 **mandate the establishment of, use of, or participation in a quality**
40 **rating system for early childhood education. No private entity or**
41 **nonprofit corporation that operates, establishes, or maintains a quality**
42 **rating system for early childhood education shall collaborate with any**
43 **public institution of higher education, any political subdivision, any**
44 **governmental entity, or any quasi-governmental entity created by**
45 **Missouri state statute for the operation, establishment, or maintenance**
46 **of such a quality rating system.**

47 **5. Any taxpayer of this state or any member of the general assembly shall**
48 **have standing to bring suit against any public institution of higher education,**
49 **political subdivision, governmental entity or quasi-governmental entity created**
50 **by Missouri state statute** which is in violation of this section in any court with
51 jurisdiction to enforce the provisions of this section.

52 [4.] 6. This section shall not be construed to limit the content of early
53 childhood education courses, research, or training carried out by any public
54 institution of higher education. A course on quality rating systems or training
55 quality assurance systems shall not be a requirement for certification by the state
56 as an individual child care provider or any licensing requirement that may be
57 established for an individual child care provider.

58 [5.] 7. For purposes of this section:

59 (1) "Early childhood education" shall mean education programs that are
60 both centered and home-based and providing services for children from birth to
61 kindergarten;

62 (2) "Quality rating system" or "training quality assurance system" shall
63 include the model from the Missouri quality rating system pilots developed by the
64 University of Missouri center for family policy and research, any successor model,
65 or substantially similar model. "Quality rating system" or "training quality
66 assurance system" shall also include but not be limited to a tiered rating system
67 that provides a number of tiers or levels to set benchmarks for quality that build
68 upon each other, leading to a top tier that includes program
69 accreditation. "Quality rating system" or "training quality assurance system"
70 may also include a tiered reimbursement system that may be tied to a tiered
71 rating system;

72 (3) "Tiered reimbursement system" or "training quality assurance system"
73 shall include but not be limited to a system that links funding to a quality rating
74 system, a system to award higher child care subsidy payments to programs that
75 attain higher quality levels, or a system that offers other incentives through tax
76 policy or professional development opportunities for child care providers.

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